

3735



Serial No. 09/409,792		Filing Date September 30, 1999		Examiner A. Lewis	Case No. 6298/308
Inventor(s) M. Foley et al.		Group Art Unit 3735			
Title of Invention Exhalation Valve For Face Mask With Spacer Chamber Connection					

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Fifth Supplemental Information Disclosure Statement; PTO Form 1449; One Copy of Reference F1.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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TECHNOLOGY CENTER R3700

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity	
Rate	Add'l Fee
x \$9=	
x 43=	
+\$145=	
Total add'l fee	\$

Other Than Small Entity	
Rate	Add'l Fee
x \$18=	
x \$86=	
+\$290=	
Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

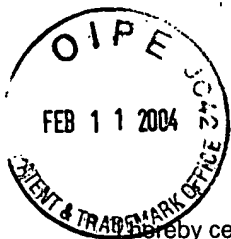
Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 8, 2004.

Date: 2/9/2004

Signature:



# CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope, with sufficient postage, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

2/9/2004

Date of Deposit

Kent E. Genin

Name of Applicant, Assignee or  
Registered Representative

*[Signature]*

Signature

2/9/2004

Date of Signature

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FEB 18 2004

TECHNOLOGY CENTER R3700

Our Case No.: 6298/308

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

M. Foley et al.

Serial No.: 09/409,792

Filing Date: September 30, 1999

For: EXHALATION VALVE FOR FACE  
MASK WITH SPACER CHAMBER

Examiner: A. Lewis

Group Art Unit No.: 3735

## FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Fifth Supplemental Information Disclosure Statement be entered and the documents listed below and on the attached Form PTO-1449 be considered by the Examiner and made of record. A copy of the document required by 37 C.F.R.

§ 1.98(a)(2) is enclosed for the convenience of the Examiner.

The reference now cited is:

**U.S. PATENTS**

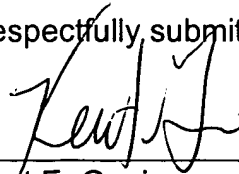
<u>Patent No.</u>	<u>Date</u>	<u>Inventor</u>
4,858,605	08/22/1989	Levy

In accordance with 37 C.F.R. § 1.97(g),(h), this Fifth Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Fifth Supplemental Information Disclosure Statement is being filed prior to the receipt of the first Official Action reflecting an examination on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Fifth Supplemental Information Disclosure Statement, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this material, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

Applicant respectfully requests that the listed document be made of record in the present case.

Respectfully submitted,



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Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant

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